

U.S. Patent Application No. 10/820,638
Response to Election of Species Requirement dated April 24, 2008
Reply to Office Action of April 3, 2008

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REMARKS/ARGUMENTS

At page 2 of the Office Action, the Examiner is requesting that the applicant elect a species from each of two groups below:

Group I.

Species I: anode comprises a lithium intercalated electrode material;

Species II: anode comprises $\text{Li}_4\text{Ti}_5\text{O}_{12}$.

Group II.

Species I: cathode comprises one of the listed formula in claim 25;

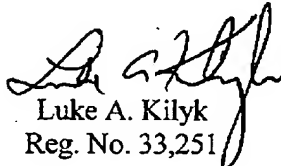
Species II: cathode comprises LiCoO_2 or LiFePO_4 .

To be responsive, the applicants elect, with traverse, Species I from Group I and Species II from Group II. Previously elected claims 1, 5-21, 23, 24, 26, 27, and 50-59 encompass the elected species and wherein claim 1 is generic.

The applicants believe that the remaining species can be examined at this time since these claims have already been examined, thus showing that there is no serious burden on the part of the Examiner to search the entire scope of the claims. At a minimum, the Examiner should proceed with examination of the remaining species upon determining the patentability of the elected species.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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